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June 11, 2009

**REDACTED – FOR PUBLIC INSPECTION**

*VIA HAND DELIVERY*

**FILED/ACCEPTED**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**JUN 11 2009**

Federal Communications Commission  
Office of the Secretary

Re: *Telecommunication Relay Services and Speech-to-Speech Services for  
Individuals with Hearing and Speech Disabilities – CG Docket No. 03-123*

Dear Ms. Dortch:

By this letter, Sorenson Communications, Inc. ("Sorenson"), through its undersigned counsel, responds to the request Sorenson received from the National Exchange Carrier Association ("NECA"). In an e-mail dated June 9, 2009, Jill Cardoso of NECA stated that the Consumer & Governmental Affairs Bureau ("CGB") wanted providers to file "the percentage of calls currently placed using a ten-digit number issued pursuant to the 2008 numbering orders (as opposed to being placed by persons without such a number or using a proxy number)."

Pursuant to Ms. Cardoso's e-mail, Sorenson is submitting this information to CGB, along with a request for confidential treatment. As explained in the accompanying request for confidentiality, the information Sorenson is providing is competitively sensitive and should not be made publicly available. Sorenson requests that to the extent any data is made available to the public, or shared with anyone outside the Commission, such data should only be provided in the aggregate, and not in company-specific form.

If CGB declines to grant confidential treatment for its company-specific information, Sorenson notes that under the provisions of 47 C.F.R. § 0.459(g), CGB may not make any information available to the public until it has afforded Sorenson five

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Marlene H. Dortch

June 11, 2009

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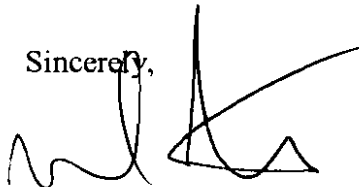
working days' advance notice so that Sorenson may file an application for review of that decision to the full Commission.<sup>1</sup>

The information requested by CGB is provided below:

Sorenson has been very successful in registering users and ensuring that they obtain ten-digit telephone numbers. As a result, over [REDACTED] of all VRS calls placed through Sorenson in May 2009 were made by persons with a ten-digit number.

If you have any questions or require anything further, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gil M. Strobel', with a large, sweeping flourish extending from the end of the signature.

Gil M. Strobel

cc: Thomas Chandler  
Suzanne Tetreault

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<sup>1</sup> If the Commission were to deny the application for review, Sorenson would be entitled to five additional working days in which to seek a judicial stay of that ruling. 47 C.F.R. § 0.459(g).

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**REDACTED – FOR PUBLIC INSPECTION  
REQUEST FOR CONFIDENTIAL TREATMENT  
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

June 11, 2009

*VIA HAND DELIVERY*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street SW  
Washington, DC 20554

Re: Request for Confidential Treatment of Sorenson Communications, Inc.  
CG Docket No. 03-123

Dear Ms. Dortch:

Sorenson Communications, Inc. ("Sorenson") hereby requests confidential treatment for information provided in the attached letter responding to the Consumer & Governmental Affairs Bureau's ("CGB's") request for "the percentage of calls currently placed using a ten-digit number issued pursuant to the 2008 numbering orders (as opposed to being placed by persons without such a number or using a proxy number)" (hereinafter, the "Sorenson Information"). Sorenson makes this request pursuant to Exemption 4 of the Freedom of Information Act ("FOIA") and the Commission's rules.<sup>1</sup> The Sorenson Information contains company-specific, confidential and/or proprietary commercial information protected from disclosure by FOIA Exemption 4 and the Commission's rules protecting information that is "not routinely available for public inspection" and that "would customarily be guarded from competitors."<sup>2</sup>

<sup>1</sup> 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure "to any extent not authorized by law" of "information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association").

<sup>2</sup> 47 C.F.R. §§ 0.457(d) and 0.457(d)(2).

1. *Identification of the specific information for which confidential treatment is sought.* Sorenson requests that the Sorenson Information be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect commercial and other information not routinely available for public inspection. The Sorenson Information contains company-specific, competitively-sensitive, business confidential and/or proprietary, commercial data concerning Sorenson's operations and customers that would not routinely be made available to the public, and customarily would be guarded from competitors. If such information were disclosed, Sorenson's competitors could use it to determine Sorenson's competitive position and performance, and could use that information to gain a competitive advantage over Sorenson.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is provided in response to a request from the CGB that was made to the National Exchange Carrier Association ("NECA") and conveyed to Sorenson via an electronic mail message of June 9, 2009, from Jill Cardoso, NECA. Ms. Cardoso's e-mail included a request that the providers' responses be filed in the above-referenced docket, even though CGB's request was not made publicly or filed in the docket.

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Sorenson Information contains company-specific, competitively-sensitive, confidential and/or proprietary, commercial and operational information. It provides sensitive information regarding Sorenson's business operations and its customers. This information would not customarily be made available to the public and customarily would be guarded from all others, especially competitors. To our knowledge and belief, no company-specific data such as this has ever been made available to the public. If this information were not protected, Sorenson's competitors could use it in an effort to determine how best to undercut Sorenson's business.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates directly to the provision of Internet-based TRS, which is subject to vigorous competition. If the information is not protected, Sorenson's competitors will be able to use it to their competitive advantage.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Since this type of information generally would not be subject to public inspection and would customarily be guarded from competitors, the

Commission's rules recognize that release of the information is likely to produce competitive harm. Disclosure could cause substantial competitive harm because Sorenson's competitors could assess aspects of Sorenson's operations and use that information to undermine Sorenson's competitive position.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The Sorenson Information is not available to the public, and has not otherwise been disclosed previously to third parties. Sorenson routinely treats this information as highly confidential and/or proprietary. Sorenson assiduously guards against disclosure of this information to others.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Sorenson requests that the Sorenson Information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* The Sorenson Information would, if publicly disclosed, enable Sorenson's competitors to gain an unfair competitive advantage. Under applicable Commission and federal court precedent, the information provided by Sorenson on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question clearly satisfies this test.

Additionally, where disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information. *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained.'" (citation omitted)). Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily submitting such information in the future, thus depriving the FCC of information necessary to evaluate facts and market conditions relevant to policy issues under its jurisdiction.

If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Sorenson to pursue appropriate

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REQUEST FOR CONFIDENTIAL TREATMENT  
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

Request for Confidential Treatment

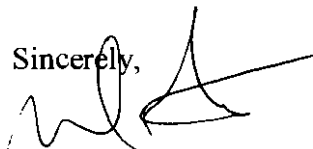
*June 11, 2009*

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remedies to preserve the confidentiality of the information, as provided by 47 C.F.R.  
§ 0.459(g).

If you have any questions or require further information regarding this request,  
please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gil M. Strobel', written over the word 'Sincerely,'.

Gil M. Strobel

cc: Thomas Chandler  
Suzanne Tetreault

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